

THE DAILY NEWS.

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RAILROAD MATTERS.

What there is going on in South Carolina to call for such a lesson has escaped our observation, but the Charleston *News and Courier* of yesterday re-tells an old fable which may be read with profit just now on this side the border. The *Courier* says:

"There is a familiar fable about a man and his son and an ass. First a beholder found fault because the old man rode while the son trudged along afoot. The desired change was made, and another looker-on grumbled because the son was mounted while the old man had to walk. The last grievance was that the ass was allowed to carry the old man and his boy when they were better able to carry the long-eared beast. Submissive to popular demands, they hoisted the ass on their shoulders, and the end was that the precious animal, his legs securely tied, tumbled headlong into the river.

"There are fully as many advisers and counsellors nowadays as there were in the fable, and the man and his son, who endeavored to please everybody, satisfied nobody and lost their only means of making a living. It is safe to assume that they who listen to a multitude of counsellors will make little progress in any direction, and will be lucky if nothing worse comes of it. The ancients who offered eager advice to the old man and his son were conscientious and sincere. They had no thought of bringing anybody to grief. The trouble was that they did not understand the situation. No account was taken of the idiosyncrasies of the ass, or the necessities of the old man and his son. Had they been left to themselves, they would have gotten over the river easily enough. There was nothing noxious in what the peaceful trio were doing, and they could have been left, safely and wisely, to their own devices.

"Were the whole of the people of a State, who are of one mind in desiring to attain a distant goal, of one mind also as to the means and surest way of reaching it, those who push forward, and lead the advance, would find their mission easy of accomplishment. But there is no such agreement. The leaders go too fast for some and too cautiously for others, while a third set argue that the proper time to move has not come, and that any action at all will injure the good cause. One class will insist that the actual attainment of the goal must be left to the next generation, as former generations did not even attempt to reach it, and if this generation get half-way they will accomplish everything that is necessary. Another class are unhappy unless the plan is to make a dash for the goal, and reach it before obstacles can accumulate and opposition become strong. They mean well, but they cannot be equally in the right.

"Whatever is determined on, must dis-appoint more groups of opinion than it pleases. Fortunately those who are sufficiently in earnest to be determined to do what they can, at any cost, do not quarrel with the inevitable, or expect the impossible. They have the satisfaction of knowing that, when the prize is won, none will be heartier in their applause than the amiable souls who were confident that the end would be disastrous. And if they should fail, their mortification will not be increased by the ability of sympathizing friends to say, as they will, 'We told you so.'

A multitude of advisers and counsellors and croakers has been busy for some months with the affairs of the Western North Carolina Railroad. We corrected misstatements until we tired of the job and concluded that it was not worth while to be disturbed about them more. A paragraph in our Albemarle letter this morning induces reference to the Road's affairs other than the usual mention of its progress in the news columns. It seems that we have erred in thinking that the people had learned to laugh at the predictions of failure which precede each step in the fulfillment of the contract to build the Road. It is therefore only proper that we should remind the people who have been misled by mischievous predictions of evil to happen, that no evil has happened, that every agreement with the State has been fulfilled, and fulfilled at the time agreed. The latest instance of this occurred on Saturday. It was stipulated that the State should be paid quarterly for its convict labor. Payment was made on August 1st, Sunday, and the money was here to pay it on Saturday, July 31st. Old scores were cleared off, and on yesterday another shipment of convicts was made from this city, and in a few days will be at work on the Road.

Hereafter as heretofore THE NEWS will content itself with recording facts as they occur as the best refutation of the predictions of the despondent and the inventions of the evil-disposed. But what over the facts, whether of success or failure, the people will find them fully, promptly and accurately stated in these columns. We were very earnest advocates of the ass and to the parties who purchased, but we wished the sale made for one object only, and that the sure and speedy construction of the Road. For very many years we have been its unflinching advocates, and during the four years of our connection with the press of this city its importance has been urged upon the people as second only (if to that even) to the great cause of public education. When its purchase was proposed we advocated a sale. We did not doubt that public faith would be kept and the Road be completed by the State; for we have great faith in North Carolina honesty; especially when one party to the bargain has in its hands a

remedy if the other wish to dodge honest fulfillment. But the sale seemed a thing good to be done, because it would relieve the people of a tax that demagogues were ever seeking to persuade them was more burdensome than they could bear; because it is not right to tax the people for that which can be done without taxation; because the less the State has to do with railroads, the better for both; but chiefly because, while the State's aid was necessarily slight and the Road's progress slow, the sale would ensure a speedy completion. By whom it was completed, or owned after completion, whether native or foreign, or with what objects in view, we cared not a straw; the day when railroads are run for any other object than to make them pay has long since passed away, and the completed Road will be as valuable to North Carolina if owned by a foreign as by a domestic corporation, while the money expended in its construction will be so much clear gain to us. That it will be built and the contract fulfilled in letter and in spirit, we have never had a doubt, have never seen a cause of doubt, and have no doubt now. The parties who bought were thoroughly investigated; the policy of sale was thoroughly discussed; the people's representatives almost unanimously decided to sell; every agreement made with the State has been met on the day fixed; and we do not speak at random when we tell the people, now as on the day of sale, that every agreement will be fulfilled. When the new story of failure at the next pay-day is started, (it will be on the rounds in less than a week) let the people remember the hundreds which have preceded it and which have been disproved by the logic of cash.

TIME "TO WALK ALONE."

Without arguing about the past excuses for the kind of tariff which the Republican party has been maintaining for twenty years, says the New York *Herald*, there certainly is a point which every country is capable of reaching under such a system when its extreme protection becomes a grievous encumbrance—and we have reached it. A mature man in the leading strings of childhood is a mortifying spectacle. If the protective leading strings with which the Republican party has encompassed the industries of the United States are never to be relaxed we never shall learn to walk alone. Year after year the *Herald* has observed the American people chafing more and more impatiently against the restraint. Congress after Congress the efforts to loosen the strings, and even to cut them, have become more and more earnest, and the appliances of specially protected interests to keep them tight have grown more and more corrupting and indefensible. The "revenue tariff" and "free ship" resolutions of the Cincinnati platform were concessions to a genuine and intelligent popular demand.

"There is imminent danger of a sudden overthrow to any administration which maintains by a legislative majority, especially if it is in the nature of a coalition of political elements otherwise at discord, any system which is condemned by a popular majority. This is the relation in which the Republican administration of the federal government, with its protective majority in the present Congress stands, we believe, to a majority of the people in respect to the existing tariff and navigation laws. In a government as free as ours the relief comes naturally and simply by the defeat of the dominant party at an election. Under governments less free it has sometimes been achieved even at the price of violence. When the tidings of the French Revolution of 1848 reached England, RICHARD CORDELL was one of the first persons to hear of it in the House of Commons. He was sitting at the moment by the side of JOSEPH HUME, and he related to a friend what ensued as follows: 'I'll go and tell Sir ROBERT PEEL,' said Mr. HUME, and stepping across the floor he seated himself by the great ex-Premier and told him the startling news. 'What did Sir ROBERT say?' asked Mr. CORDELL, when his friend returned. 'He said,' replied Mr. HUME, 'This comes of trying to carry on a Government by means of a mere majority of a chamber, without regard to opinion out of doors. It is what these gentlemen (pointing over his shoulder to the protectionist benches) wished me to do, but I refused.'

THE SUPREME COURT, on yesterday, filed fourteen legal opinions, digests of which will be found in to-day's NEWS. Of some interest to the profession and the public is the case of WATKINS vs. OVERY, in which it is decided that the right which a creditor acquires by an attachment levied upon the land of a non-resident, cannot be divested by the defendant's afterward becoming a resident of the State and claiming a homestead in the land.

ALABAMA elected State officers and Legislature yesterday. The democrats and greenbackers had full State tickets in the field, and the republicans supported the greenback ticket. The Legislature chosen will elect a United States Senator to succeed Hon. John T. Morgan, democrat, whose term expires March 3, 1881.

THE latest news from Afghanistan, though still very vague, is more encouraging for the British. The panic seems to have subsided in London, although the preparations for dispatching troops and supplies to India are going forward rapidly.

THE EAST THOROUGHLY ALIVE.

Sampson Democracy True to Its Past History.

GOVERNOR JARVIS ENTHUSIASTICALLY RECEIVED AT CLINTON.

[NEWS EDITORIAL CORRESPONDENCE.] CLINTON, N. C., July 31, 1880.

Yesterday, on our way hither, when the train arrived at Faison's, a goodly number of the people were in waiting and called loudly for GOVERNOR JARVIS.

He appeared on the platform and was greeted by a vigorous yell. He had only time to thank the enthusiastic friends for their kind and complimentary demonstration, and to express the hope that in the near future he could enjoy the pleasure of a talk with them, when the train moved off amid the din of three lusty cheers.

FOR OUR NEXT GOVERNOR.

I noticed a large and beautiful flag, streaming high in the air, with "HANCOCK, JARVIS AND SHACKLEFORD" inscribed on it. And Maj. Richardson, of Columbus, who was with us, but gave utterance to a prevailing opinion when he remarked that "to see our people forming clubs and raising flags in cold blood, so far in advance of the election, and in the absence of any special effort on the part of leaders to arouse them to action, and to see their quiet but earnest zeal, is an assurance that we cannot and will not fail in the coming election."

Soon after our arrival at Clinton, the Governor was pleasantly surrounded by the young men of the town.

THE SPEECH OF GOV. JARVIS. Early this morning, men of all colors and conditions began to pour into the town from all directions, and soon the streets were alive with an immense throng of the most genial and good humored men I have seen in many a day.

At 12 m., we repaired to the old stand used by Gov. Vance and Judge Stead in the campaign of 1876, in the beautiful grove on Court House square.

Mr. Ed. T. Boykin, Chairman of the Democratic Executive Committee for this county, presented the Governor in an exceedingly neat little speech of five minutes, which he concluded by saying: "Whether as the private citizen, or as the true and brave soldier, or as the vigilant, bold and disinterested legislator, or as the faithful, impartial and able Governor, he has ever been the devoted son of his native State, and merits, as he will receive, the endorsement of an appreciative people."

The Governor arose, when "three cheers for Governor Jarvis," was proposed; and while the mighty volume of voice from a thousand throats rent the air the beautiful flag of the Club (eighteen feet long) glided swiftly to its lofty position one hundred and two feet above the ground.

GOVERNOR JARVIS said he would be impossible to every ennobling emotion and impulse, and saw the name of a North Carolinian, could he receive this demonstration of their kind partiality without feelings of the highest pride and gratification. He had long desired to visit the county of Sampson, and especially since he had received the high honor of the nomination at the hands of the Democracy of the State, had he been anxious to meet this people and to talk with them. He was here not to impart instruction, but rather to imbibe something of that zealous spirit, and to catch the inspiration of that patriotic fervor, that always leads the sterling Democracy of Sampson to victory.

He was a candidate for the highest State office, and argued that measures and principles should govern the citizen in his vote. He discussed the relation of the citizen to the government, his obligation to the country and to posterity. That government is best that best protects the rights of the citizen and at the least expense. The citizen has the right to demand, and the power to enforce the demand at the ballot box, that the government shall be faithfully and impartially administered. He said that the

CONSTITUTION AND THE UNION rested upon the ballot box for their support; the liberty and personal rights of the citizen depended upon it for their security; and when the people surrendered the ballot they gave up all and would become slaves and would deserve to be. Just here he begged to quote from the able and statesmanlike letter of Gen. W. S. Hancock, received by the papers of this evening, his language on this subject. He says: "It is only by a full vote, free ballot and fair count, that the people can rule in fact, as required by the theory of our government. Take this foundation away and the whole structure falls. Public office is a trust, not a bounty bestowed on the holder. This is Democratic doctrine, but the Republican party is reversing and subverting these time-honored principles of our fathers by claiming that the government belongs to the few—the office-holders. Public officials should be watched and held strictly accountable for their conduct. The history of the Republican party shows their uniform disregard for law, for private rights and constitutional obligations. He drew on the action of that party in our own State for illustrations to sustain the assertion, and among these he gave official figures to show their reckless waste of the people's money."

The constitution prescribes the manner of providing a school fund, which shall be used exclusively for education. In 1869 and 1870 the Republicans collected over \$320,000 under that law and only applied about \$38,000 for purposes of education. The cost of running the State government for the four years, 1869, '70, '71, '72—the Holden-Caldwell administration—was \$1,325,040.45 more than for the four years, 1877, '78, '79, '80—the Vance-Jarvis administration. He gave a full and frank statement of the sale of the Western North Carolina Railroad and of the action of himself and the Legislature in regard to it. He had spoken about one and a half hours, when he closed by an appeal to the Democracy and to all who desired peace, fraternity and prosperity, to vote for the ticket led by the great Hancock. He spoke with unusual warmth and animation, and the large crowd (not less than fifteen hundred) gave frequent and unmistakable evidences of their high appreciation of the speech. I predict that Sampson will give a rousing majority for our entire ticket.

HIS OLD COMRADES WAIT ON HIM.

At the close of his speech it was announced that all the ex-soldiers of Cling-

man's old brigade would at once hold a meeting in the court-house.

At 3:30 p. m. a large number of these old veterans marched in a body to the hotel and were presented to the Governor, by Mr. Ed. T. Boykin, who said:

"Governor Jarvis: The pleasing task has been assigned me of presenting to you quite a number of your old comrades in arms, representatives of Gen. Clingman's Brigade, and particularly the 51st and 61st Regiments. They desire to meet you in formally and shake your hand, and to assure you that you and they stood side by side at Charleston, Battery Wagner, Old Harbor, and Drury's Bluff, in defense of the 'lost cause,' so now they will stand by you with no less zeal and fidelity in your noble efforts to heal the wounds of that conflict and give peace—lasting peace—and prosperity to the country."

Governor Jarvis stepped forward and said:

"My old comrades, before taking your hand permit me to express to you my grateful acknowledgment for the honor you have done me and for the inexpressible pleasure it affords me.

"By the recollections of that common suffering and peril endured by us in our devoted but fruitless following of the Southern Cross, I beg to bespeak the same faithfulness, the same zeal, the same exalted and patriotic purpose in carrying to victory the flag of our common country—reconciled, restored and united. Forgetting the unhappy differences of the past, let us who felt the force and power of Hancock, the gallant soldier, show our appreciation of manliness and patriotism, by voting solidly for Hancock the statesman."

It was a touching scene to see these old battle-scarred veterans pressing around the Governor. The first one introduced had the right sleeve empty—a fact that elicited a remark of warm sympathy and fraternity from the Governor as they clasped their left hands. One of them remarked, as he took the Governor's hand, "If you are as true to North Carolina now as you were then, sir, it is all we ask of you."

I, in common with all who witnessed it, enjoyed it. Ah! the ties that bind together "the men who drank from the same canteen." And may the day never come when they shall forget them.

The courtesy and warm-hearted hospitality of this people are known far and wide. The Governor has been the constant recipient of the most cordial attention, but the untiring interest manifested by Mr. Ed. T. Boykin and Mr. M. C. Richardson in their service, and the painstaking and accommodating young hotel keeper, Mr. Jas. L. Powell, are worthy of special mention. For a good square meal, neatly and well served, commend us to the Clinton hotel.

On Monday we go to Kenansville. It is understood that Judge Baxton will be there on Tuesday. Of the first contest between the two leaders, and its results, the readers of THE NEWS shall be duly and faithfully informed.

L. L. P.

Election of Superior Court Judges.

[CORRESPONDENCE OF THE RALEIGH NEWS.] FAYETTEVILLE, July 31.

EDITOR NEWS:—Your correspondent "Lex," in your issue of last Friday, has stolen the thunder of John Smith almost word for word about the election of Superior Court Judges. See John Smith's article published in the Fayetteville *Examiner* of last Thursday. The article of John Smith was prepared several days before its publication, and was the subject of discussion among the members of the bar generally, and "Lex," if he be a lawyer, certainly knew it.

But I write to say I think you are wrong in the supposition "that the adoption of the Constitution of 1875 repealed the legislation thereto in force, &c." I think if you will examine the matter you will come to that conclusion.

JOHN SMITH.

MEBANEVILLE NOTES.

Mebaneville, N. C., August 2, 1880.—Since my last letter to you we have had refreshing showers of rain and several days of cool weather. It is delightful to pass some fields of rich, healthy looking corn which can be seen in many places in this section. You will see it only where the land is naturally very strong, or has been made so; and has been sufficiently worked.

Bingham School opened last Thursday with nearly one hundred students. Now there are more than a hundred and thirty in the school. Some improvements have been made during the vacation. The Academy building was raised six and a half feet by the means of jack-screws. Underneath a large comfortable chapel and one class room has been made. The building has been much improved and it now has a more imposing appearance. One range of barn-like rooms has been moved back, and four new rooms built. Four assistant teachers have been engaged for this session; three of them being new men, Messrs. Amis, Grinnard and Edwards. Dr. Sharpe, who was here last session as a teacher, and whom his friends wished to return, has accepted a Professorship in the University of Louisiana.

From present indications Bingham School is fast approaching the high honor of being THE Preparatory School of this country. It has now a wider area of patronage than any other school of the kind in the South.

Cock-Tails.

[New York Journal of Commerce.] New York, July 26, 1880.—What is the origin or etymology of the name of the universally popular American "cocktail?"

Reply.—In England the "cock" in the language of inns, refers to the tap from which liquor is drawn. Thus the sign of "The Cock and Bottle" was originally designed to comprehend all liquors, the cock describing those on draught and the bottle those which were to be uncorked. But the name of the American drink has altogether another origin. A barkeeper had made himself famous for the preparation of a refreshing drink, and it was often commended to the weary as something that would "set them up like a cock's tail." In this way it acquired its name.

At a social reunion, a few evenings ago, the question was asked, "Of what sort of fruit does a quarrelsome man and wife remind you?" The young lady who was promptly answered, "A prickly pear," got the medal.

HANCOCK TO SHERMAN.

The "Ideas on Government" of a Loyal Soldier of Liberty and the Law.

[From the New York Herald, 1st inst.]

The letter written by General Hancock to General Sherman in regard to the action he would take as an army officer in certain contingencies during the Presidential contest, is given in full below. It will be found to be one of the most interesting campaign documents that has been brought to light thus far in the present Presidential contest. When the Republicans revived the fact of such letter having been written, they claimed that its tone was tinged with treason and that its publication would greatly damage the prospects of General Hancock as the Democratic candidate for President. These statements were met with an emphatic denial by Democratic politicians on the broad fundamental grounds that General Hancock was too loyal and patriotic to have ever written or given utterance to a sentiment that by even the boldest stretch of the imagination could be tortured into disloyalty. On being spoken to yesterday by the *Herald* reporter on the subject, he gave a full and explicit explanation of the whole matter.

"I hardly remembered writing the letter," he said, "until I saw a reference to it in some of the newspapers. When I wrote it I had no idea that it would ever be published. I was in a Western town on private business, with no secretary or member of my staff with me. I wrote frankly and with no constraint."

"And stick by what you wrote?"

"I never wrote anything I am afraid of having known and that I would not stick to."

"And you desire this letter to be published?"

"I only waited for the consent of General Sherman, and that having been given, there is no obstacle against its publication."

The following is the full text of the letter:

ST. LOUIS, Dec. 27, 1876.

My dear General:—Your favor of the 4th inst. reached me in New York on the fifth, the day before I left for the west. I intended to reply to it before leaving, but the cares incident to my departure interfered. Then again, since my arrival here, I have been so occupied with personal affairs of a business nature, that I have deferred writing from day to day until this moment, and now I find myself in debt to you another letter, in acknowledgment of your favor of the 17th, received a few days since.

I have concluded to leave here on the 29th (to-morrow), so that I may be expected in New York on the 31st inst. It has been cold and dreary since my arrival here. I have worked "like a Turk" in the country, in making fences, cutting down trees, repairing buildings, &c., &c., and am at least able to say that St. Louis is the coldest place in winter, as it is the hottest place in summer of any that I have encountered in a temperate zone. I have known St. Louis in December to have genial weather throughout the month; this December has been frigid, and the river has been frozen more solid than I have ever known it. When I heard a rumor that I was ordered to the Pacific coast, I thought it probably true, considering the past discussions on that subject. The possibility seemed to me to point this way. Had it been true I should of course have presented no complaint nor made resistance of any kind. I would have gone quietly, if not prepared to go promptly. I certainly would have been relieved from the responsibilities and anxieties concerning Presidential matters, which may fall to those near the throne or as well as to others. The next four months, as well as any other incidents or matters which I could not control and the action concerning which I might not approve. I was not exactly prepared to go to the Pacific, however, and I therefore felt relieved when I received your note informing me that there was no truth in the rumor. Then I did not wish to appear to be escaping from responsibilities and possible dangers which may cluster around military commanders, especially in the critical period fast approaching.

"All's well that ends well." The whole matter of the Presidency seems to me to be simple, to admit of a peaceful solution. The machinery for such a contingency as threatens to present itself has all been carefully prepared; it only requires lubrication owing to disuse. The army should have nothing to do with the selection or inauguration of Presidents. The people elect the President. The Congress declares in joint session who he is. We of the army have only to obey his mandates, and are protected in so doing only so far as they may be lawful. Our commissions express that. I like Jefferson's way of inauguration. It suits our system. He rode alone on horseback to the Capitol (I fear it was the old Capitol), tied his horse to a rail fence, entered and was duly sworn; then rode to the Executive Mansion and took possession. He inaugurated himself simply by taking the oath of office.

There is no other legal inauguration in our system. The people or politicians may institute parades in honor of the event, and public officials may add to the pageant by assembling troops and banners, but all that only comes properly after the inauguration, not before, and it is not a part of it. Our system does not provide that one President should inaugurate another; there might be danger in that, and it was studiously left out of the charter. But you are placed in an exceptionally important position in connection with coming events. The Capital is in my jurisdiction also, but I am a subordinate, and not on the spot, and if I were, so also would be my superior in authority, for there is the station of the General-in-Chief. On the principle that a regularly elected President's term of office expires with the 3d of March (of which I have not the slightest doubt), and which the laws bearing on the subject uniformly recognize, and in consideration of the possibility that the lawfully elected President may not appear until the 5th of March, a great deal of responsibility may necessarily fall upon you. You hold over; you will have power and prestige to support you. The Secretary of War, too, probably holds over; but if no President appears he may not be able to exercise functions in the name of a President, for his proper acts are those of a known superior, a lawful President. You set on your own responsibility and by virtue of a commission duly restricted by the law, The Secretary of War is the mouth-piece of a

President; you are not. If neither candidate has a constitutional majority of the Electoral College, or the Senate and House on the occasion of the count do not unite in declaring some person legally elected by the people, there is a lawful machinery already provided to meet that contingency and decide the question peacefully. It has not been recently used—no occasion presenting itself—but our forefathers provided it. It has been exercised and has been recognized and submitted to as lawful on every hand. That machinery would probably elect Mr. Tilden President and Mr. Wheeler Vice-President. That would be right enough, for the law provides that in a failure to elect duly by the people, the House shall immediately elect the President and the Senate the Vice-President. Some tribunal must decide whether the people have duly elected a President. I presume, of course, that it is in the joint affirmative action of the Senate and House, or why are they present to witness the count, if not to see that it is fair and just? If a failure to agree arises between the two bodies there can be no lawful affirmative decision that the people have elected a President, and the House must then proceed to act—not the Senate; the Senate elects Vice-Presidents, not Presidents. Doubtless, in case of a failure by the House to elect a President by the 4th of March, the President of the Senate (if there be one) would be the legitimate person to exercise Presidential authority for the time being, or until the appearance of a lawful President, or for the time laid down in the Constitution. Such courses would be peaceful, and I have a firm belief, lawful.

I have no doubt Gov. Hayes would make an excellent President. I have met him and know of him. For a brief period he served under my command; but as the matter stands I can't see any likelihood of his being duly declared elected by the people, unless the Senate and House come to be in accord as to that fact, and the House would of course not otherwise elect him.

What the people want is a peaceful determination of this matter, as fair a determination as possible and a lawful one. No other administration could stand the test. The country, if not plunged into revolution, would become poorer day by day, business would languish, and our bonds would come home to find a depreciated market.

I was not in favor of the military action in South Carolina recently, and if General Ruger had telegraphed to me or asked for advice, I would have advised him not, under any circumstances, to allow himself or his troops to determine who were the lawful members of a State Legislature. I could not have given him better advice than to refer him to the special message of the President in the case of Louisiana, some time before. But in South Carolina he had the question settled by a decision of the Supreme Court of the State, the highest tribunal which had acted on the question, so that his line of duty seemed even to be clearer than in the action in the Louisiana case. If a Federal court had interfered and overruled the decision of the State Court there might have been a doubt certainly, but the Federal Court only interfered to complicate, not to decide or overrule. Any how, it is no business of the army to enter upon such questions, and even if it might be so, in any event, if the civil authority is supreme, as the Constitution declares it to be, the South Carolina case was one in which the army had a plain duty. Had Gen. Ruger asked me for advice, and if I had given it, I should of course have notified you of my action immediately, so that it could have been promptly overruled if it should have been deemed advisable by you or others superior in authority. Gen. Ruger did not ask for my advice, and I inferred from that and other facts that he did not desire it, or that being in direct communication with military superiors at the seat of government who were nearer to him in time and distance than I was, he deemed it unnecessary. As Gen. Ruger had the ultimate responsibility of action, and had really the greater danger to confront in the final action in the matter, I did not venture to embarrass him by suggestions. He was a department commander, and the lawful head of the military administration within the limits of the department. But besides, I knew that he had been called to Washington for consultation before taking command, and was probably aware of the views of the administration as to civil affairs in his command. I knew that he was in direct communication with my superiors in authority in reference to the delicate subjects presented for his consideration, or had ideas of his own which he believed to be sufficiently in accord with the views of our common superiors to enable him to act intelligently, according to his judgment, and without suggestions from those not on the spot, and not as fully acquainted with the facts as himself. He desired, too, to be free to act, as he had the eventual greater responsibility. And so the matter was governed as between him and myself.

As I have been writing thus freely to you I may still further unbecomingly myself by stating that I have not thought it lawful or wise to use Federal troops in such matters as have transpired east of the Mississippi within the last few months, save so far as they may be brought into action under the article of the Constitution which contemplates meeting armed resistance or invasion of a State more powerful than the State authorities can subdue by ordinary processes, and then only when requested by the Legislature, or if it could not be convened in session by the Governor. And when the President of the United States intervenes in that manner it is a state of war, not peace.

The army is laboring under disadvantages, and has been used unlawfully at times in the judgment of the people (in mine certainly) and we have lost a great deal of the kindly feeling which the community at large felt for us. 'Tis time to stop and unload. Officers in command of troops often find it difficult to act wisely and safely, when superiors in authority have different views of the law from them, and when legislation has sanctioned action seemingly in conflict with the fundamental law, and they generally defer to the known judgments of their superiors. Yet the superior officers of the army are so regarded in such great crises, and are held to such responsibility, especially those at or near the head of it, that it is necessary on such momentous occasions, to dare to determine for themselves what is lawful,

WAIFS.

A little bootblack picked up a cigar stump in front of a Galveston hotel after examining it for a moment, solemnly to a comrade: "I say, Bill, believe we are going to be quarantined this year, and everything is going to be dear."

"What makes you think so?"

"Just see how little the cigar stump are already."

For many years Moses, a negro, was servant at the University of Alabama and waited on the students very faithfully. He was a most notorious hypocrite. He was on that notorious comedy called "Preach" among the boys. One day he was passing a crowd of students, when one of them called to him: "I've a peach of what you are going to do when Satan gets you?" "Wait on students," was the reply.

An exchange tells of a man who had sixty-five dollars stolen from him, and soon after received twenty-five dollars, with the following note: "I stole your money. Remove it from my conscience, and I will give you to me of it back. When no more news of it I'll send you some more."

An old Yorkshire woman described her happy circumstances thus: "I've a little cottage, a chest of drawers and a pianny, a lovely garden and some flowers in my window, and (waxing warm) my husband's dead, and the very sunshin' 'Rav' n' seems to fall on me."

and what is not lawful under our system, if the military authorities should be invoked, as might possibly be the case in such exceptional times when there existed such diverse views as to a correct result. The army would suffer from its past action, it would suffer from the affections of the people of to-day, and its superior officers should be fairly, as far as lies in their power, legally and with righteous intent, aim to defend the right, which to us is the law and the institutions which they represent. It is well meaning institution, and it would be well if it should have an opportunity to be recognized as a bulwark in support of rights of the people and of the law.

I am, truly yours,
WINFIELD S. HANCOCK.
To General W. T. Sherman, Commander in Chief of the United States Army.

Questions in Grammar.

[From the New York Journal of Commerce.] New York, July 26, 1880.—Will please state if the word cheeses is proper when used as in the following: One hundred cheeses; or is it optional, like the word fish and fishes?

Reply.—The plural of fish is not "fishes" but governed by grammatical rules. Cheeses is the plural of cheese when individuals of the product are referred to; cheese is only applied to a quantity when it is spoken of as a product or as in bulk.

"No Fooling."

[From the Detroit Free Press.] The other day a Detroit lawyer had to call to go into the country a few miles to attend a case on trial before a county judge, and while jogging leisurely along in his buggy he saw a man come running across the fields at the top of his speed. Directly behind him, and armed with a stout stick, was a woman, and it was a race and tuck race to the fence. The man reached it first, however, and as he dropped on the high-way side he called out to the lawyer:

"Stranger, for Heaven's sake give me a lift down the road for half a mile."

"What's the trouble here?" asked the lawyer.

"Wife and I have had another falling out," was the reply, as the man rode down a steep bank to the buggy.

The woman at this moment reached the fence, and as the woman was climbing over, the lawyer inquired of the husband: "Are you fooling or in earnest?"

"If you think I'm fooling just you second," gasped the woman, as she plunged down the bank, rolled over and over in the road and rose up with a big stone in each hand.

"Squat!" yelled the husband, as he circled around the horse, but the lawyer wasn't quick enough. One of the stones hit him in the back and the other grazed his ear and hit the horse, and a fire or so more were coming as he struck a trot and moved off, the husband hanging to the wheels and running behind. When a short distance away the lawyer halted and looked back. The woman stood in the middle of the road shaking both fists at him, and the husband wiped the beads of perspiration off his cheeks and chin and said:

"Stranger, Hanner and me never had any fooling. When she's good-natured, she's a good girl, and she'll do for you. When she's mad one of us has got to fight out, and I wish next time you could be the way you'd tell me if there's anybody in Detroit who can make me a pair of wings."

Blocked the Trade.

[From the Detroit Free Press.] A citizen of Cass avenue having a residence worth about \$16,000 has a sign of "For sale" on the house, and the other day an old African, driving a stone-belted horse and a wagon which wobbled all over the road, drew up in front of the place as the owner came out:

"Boss, am dat place for sale?" promptly inquired the darkey as he dropped his reins.

"Yes, sir," was the reply.

"What's your werry lowest figger, sah?"

"Sixteen thousand dollars."

"Dat inculcades de back yard an' all 'spos."

"Yes, sir."

THE DAILY NEWS.

RALEIGH, N. C.

TUESDAY, AUGUST 2, 1880.

To Our City Subscribers.

Mr. T. L. BRADSHAW has been placed in charge of the subscription list and delivery of the papers in Raleigh, and will attend to cancelling and collecting for the same. Every subscriber will have the paper delivered before 6 o'clock each morning.

The Weather To-Day.

WASHINGTON, D. C., August 2.—The indications for the South Atlantic States are as follows: Partly cloudy weather and occasional showers shifting in the northern portion to northerly winds, and stationary or lower temperature and barometer.

The Weather Yesterday.

Taken from W. H. & R. S. TUCKER'S registered thermometer, Monday, August 2, 1880:
6 o'clock, a. m., 74
3 o'clock, p. m., 84
8 o'clock, p. m., 86

Index to New Advertisements.

E. J. Hardin—Ringwood Brandy, Groceries and Provisional Company—Reduced freight rates between New York and the South.

Town and County Notes.

See fourth page.

Regular meeting of Mateo Lodge, I. O. G. T., to-night.

Col. J. D. Cameron, of Durham, gave us a visit yesterday.

Five barbecues on docket in Wake county this week.

Revenue receipts yesterday fell short, only amounting to \$503.95.

August weather, says the weather prophet, will beat July in warmth.

There will be a meeting of the Fire Commissioners to-night. See notice.

Sheriff Norrell discharged from jail yesterday one Phil Lane, sent up for costs.

The churches seemed all in a flutter yesterday from the vigorous working of the wind.

Judge Avery, on his way to hold Moore county court, passed through this city yesterday.

A runaway team attracted the attention of the leaders on Wilmington street yesterday evening.

Rev. J. S. Watkins will spend a short time among the mountains of Virginia. He left yesterday.

The colored insane patients in the Asylum here were sent yesterday to the colored Asylum at Goldsboro.

All of our fire companies have invitations to visit different towns in the State during the coming fall.

Col. George N. Folk, ex-State Senator, and one of the first lawyers in the State, is at the Yarrowburgh House.

We learn that \$500 was collected for the support of Trinity College during the Fayetteville District Conference.

The Orient Mutual Fire and Marine Insurance Company paid its semi-annual dividend, amounting to \$104.67.

The recent rains have filled all the fire ditches except one, which will be placed in connection with surrounding houses as soon as possible.

People living in back rooms with front doors, and blinds closed to prove that they are out of town, are catching it these sultry afternoons.

Hickman Lodge Good Templars hold their regular meeting to-night over Citizens' National Bank. There will be several initiations.

Fifty convicts left the Penitentiary yesterday evening for the W. N. C. R. R., where work is to be pushed rapidly forward to completion.

A lawn party, under the auspices of the Second Presbyterian Church, will be had at the residence of Mrs. Mary Evans, on Thursday evening.

In conversation with several of the Justices of the Peace, from all portions of the county, we learn that crops never were better in Wake county.

Dr. T. D. Hogg returned Saturday night from an extended Northern tour, and the members of the Chemical Fire Company are happy again.

There will be a gathering in Raleigh on the 10th of October, of four colored Hancock, Jarvis and Cox Clubs. There will be speaking and a torchlight procession.

Justice Barbee had one case before him yesterday but of such little importance that he adjourned it in order to attend the meeting of the Board of Justices.

A general tearing up and ventilating the market house is going on under the management of Chief of Police Heatt, which will add greatly to the pleasure of purchasers. Do it some more.

In the citizen's match at Hendersonville last week, the score of the Raleigh team was unintentionally not published. It was: England 8; Crech 5; S. I. Johnson 7; Pullen 6; J. I. Johnson 4—total 30.

They are held for insufficient postage—a letter addressed to Mrs. Mary L. Garner, Norfolk, Va., and one to Robert Strickland, Wilson, N. C.; also a paper intended for Dawson Evans, Kelynn Grove, Wake county.

It is said that the Republicans will let \$50,000 in this State for campaign purposes. Well, if Marshall Jewell is that sort of an old man, they won't be enough money left next November to set up consolation shorts.

A gentleman at Hamlet from nine hills of cucumbers gathered and sold in addition to what his family used, four bushels of that vegetable; from 73 hills of water-melons he sold 275 large melons, several of which weighed 40 pounds.

R. D. Lunceford, Register of Deeds for Johnston county, has returned the abstract of taxes for that county to the State Auditor. It shows: General tax, \$3,651.94; special taxes, \$3,636.94; school taxes, \$5,786.19; county taxes, \$9,179.10. Total, \$22,254.17.

Our people don't expect much from Hogg's rule, but James Barron Hope has got a right good second clipping of unwashed wool from the gentle Lamb who presides over the city of Norfolk. His second open letter about closes up the controversy we fancy.

The Durhams are up to a new project. Buck Blackwell has donated sufficient land

for a race track and Al. Kramer has imported from Kentucky's best stables a fine blooded colt, while others of Durham's young men are investing in stock. It is their intention to put on the turf during the next State Fair, as they say, the winning horse.

Fifty—yes, that's the number—convicts were sent up to the Western Road yesterday to push on the work. Of course this isn't going to satisfy the doubters any more than the payment of the money due in the Treasury on Saturday last will; but it will do about as much towards removing the mountains, as the faith of the faithful or faithless will.

What I want, said one of our most successful deal beats to a railroad man yesterday afternoon, what I want, is to go to the seaside for a week to recruit my health. Tell me what to do? "Go," said the railroad man. "But I have not got money enough," said the beat, suggestively. "Assess your friends for nickels instead of drinks and cigars," said the railroad man, "and you will find yourself nearer the far sounding seas than you now are." Conversation flags.

DIED.—Thaddeus Hampton, infant son of A. D. and Mary A. Fleming, of Little River township, died last Thursday evening, aged 8 months and 29 days, of cholera infantum.

RETURNED.—Our very clever city clerk, for a few days past recreating upon the soil of old Virginia, put in his appearance yesterday and resumed the tedious duties of his office.

DIED.—Mrs. Pearce, wife of J. R. Pearce, Esq., of Mark's Creek township, who is a sister of Sheriff Nowell's wife, died Sunday last. She was buried from Hopbath Baptist Church.

DRUMMERS' LICENSES.—The State Treasurer yesterday issued drummers' licenses to the following houses: C. W. Thorn & Co., of Richmond, Va., and William Devries & Co. and Reinhardt, Meyers & Co., of Baltimore, Md.

MAYOR'S COURT.—His Honor had a light docket yesterday morning. One Saturday night drunk was permitted to remain in the cooler for 12 hours.

Ben. Davis, arraigned on a charge of larceny, was adjudged guilty of a trespass and taxed damages and costs.

MEETING.—The Fire Commissioners will meet at the Mayor's office to-night at 8 o'clock, for the consideration of several petitions of the Fire Department.

By order of
JOS. H. GREEN,
Chief Engineer.

SCHOOL TAXES.—Mr. Partin, clerk in the Auditor's Department, has just completed an abstract showing the total amount of school taxes collected in the various counties and paid into the county treasuries: the aggregates are as follows: Tax on licensed retailers of spirituous liquors, \$25,844.59; tax on auctioneers, \$25.29; tax on white polls, \$120,068.76; tax on colored polls, \$67,352.42; 8¢ cents on each \$100 valuation of real and personal property, \$133,516.87. Total, \$342,290.68.

NEW ADVERTISEMENTS.—Our readers will add to their happiness now, and their prosperity and health in the future, by a careful reading of the attractive advertisement of E. J. Hardin. His store is always filled with fresh goods, and for fair dealing, moderate prices and attention to his customers, one may always feel at home while purchasing.

The Old Dominion Steamship Line between New York and the South offered reduced rates to tourists over their line. Read the advertisement elsewhere.

BARBECUE.—About twenty persons from this city joined a like number from the vicinity of Millbrook yesterday to enjoy themselves in a day's recreation and barbecue, Brunswick stew and such like. We regret exceedingly not being able to respond to an invitation to participate, but business engagements alone kept us at home.

A merrier lot of real good fellows never met together, and we learn that the party was a whole lot of pleasure. The "French stew" was a new dish for occasions of that kind, and some of our city boys will in the future know it by that name.

PRACTICAL IMMIGRATION.—A Louisiana firm goes at the immigration business in a business like way. The firm takes orders from responsible planters for as many laborers with or without families as they wish. A member of the firm then goes to Europe and engages these laborers and delivers them to the parties employing them. Homes are thus furnished them at once and they are put in the way of getting along in the world without being cheated out of the small savings that they bring with them and becoming disheartened in their new hopes in new homes. They are generally French, Spanish or Portuguese, and the climate and customs of Louisiana are not unfamiliar to them.

The Chinese have been tried and found useless.

THE BELLEVUE HIGH SCHOOL.—In our advertising columns will be found the notice of Mr. W. R. Abbot, the Principal, in regard to this celebrated school. Justice requires of us more than ordinary comment on his advertisement. The school is situated in the most beautiful part of Piedmont Virginia, under the shadow of the Peaks of Otter, immediately on the A. M. & O. Railroad and is well known for its healthfulness. In its appointments it is first-class, in its charges for tuition and board it is moderate and unbecomingly low. It is a school that makes many so-called cheap schools expensive to a degree. Its faculty is strong and experienced and its Principal, Mr. R. Abbot, is the most successful and most accomplished teacher that we have ever known. He teaches boys to be gentlemen and educated gentlemen. There is no better school than Bellevue.

MILITARY.—To-day the Raleigh Light Infantry will parade and have their annual target practice for the championship of the company. At the last annual practice the badge was won by Mr. Henry L. Thomas, who still holds it. The company is requested to meet promptly at their armory at 230 o'clock p. m. At night the company will hold its annual election of officers, when every member is admon-

ished to be on hand. This company has recently had some creditable additions and by a proper interest manifested on the part of the members and that appreciation on the part of our citizens which the company is certainly entitled to, R. L. I. will win new honors and add new laurels to Raleigh by its appearance and deportment at King's Mountain in October next.

Let our people respond heartily and cheerfully and by all means liberally to these young men who devote their time and energies to making a first-class militia company.

THE BOARD OF JUSTICES OF THE PEACE.—Early yesterday morning the Justices of the Peace in and for Wake county assembled in the city and for a while Fayetteville street assumed the appearance of the gathering of another Convention of the people.

At 10 o'clock a. m. the Democratic Justices held a caucus in Metropolitan Hall, the result of which was the selection of five persons to be voted on for County Commissioners. At 12 o'clock noon the Board of Justices was called to order in the Court-House by Chairman Mike Whitley, when upon a call of the roll sixty-three Justices answered to their names. A quorum being present the following business was transacted:

Justice Watts, of Raleigh, nominated Wm. Jinks, M. H. Brown and others. On motion the ballot was proceeded with resulting in the election of the caucus nominees as follows: William R. Pool, 46; Solomon J. Allen, 38; E. E. Gill, 45; John W. Smith, 48; Hiram Wethersworth, 41. Total number of votes cast 57, necessary to a choice 28.

Commissioner Jones of the old Board returned his thanks to the Board of Justices for his election two years ago. On motion the Justices returned the thanks of the people of Wake county to the retiring Board of Commissioners for the manner in which they had conducted the business of the county.

On motion Mike Whitley was re-elected Chairman, and J. D. Ballentine, Clerk; when the Board of Justices adjourned subject to the call of their Chairman.

COUNTY COMMISSIONERS.—The Board of County Commissioners met yesterday in regular monthly session, all the Commissioners present. General routine business was transacted, that portion of the proceedings worthy of special notice being the rates of county taxes which were levied, as follows:

On the \$100 valuation of real and personal property, 32¢ cents; on the poll 98 cents; on net incomes and profits 1 per cent. Subjects under schedule B same as last year, except as affected by the laws of the special session of the Legislature regarding liquor. Subjects under schedule C same as last year.

This will make the tax 65 cents on the \$100 valuation in townships other than Raleigh, and 75 cents in Raleigh; \$1.95 on the poll in townships other than Raleigh, and \$2.25 in Raleigh, the difference in Raleigh township being on account of the special tax levied for the graded school.

A report from the County Treasurer, Maj. J. B. Neathery, was read before the Board, which shows the financial condition of Wake to be good, when the size of the county is considered. The present debt is \$18,609.30. There is no money in the treasury, but it is hoped with the aid of Schedule B tax list, now in the hands of the Sheriff, to pay the expenses of the poor and of the August Courts, without asking an additional loan from the Banks, as the regular tax list for 1880 will go into the Sheriff's hands on the first of September.

The Treasurer confidently looks to the extinguishment of the debt of the county at no distant day.

The board will visit the work and poor-houses to-day and be in session again on Wednesday at the court-house.

SUPREME COURT.—Court opened yesterday morning. All the Justices were present. The court proceeded to the consideration of appeals from the Eighth Judicial District, and disposed of the following, viz:

State vs. J. T. Schenck, from Ireddell; *adversely* heretofore taken; court took the papers.

W. M. Walton et al., vs. Richmond Pearson et al., from Catawba; petition for writ of *certiorari*; argued by J. M. McCorkle, Battle & Mordecai and George V. Strong for the plaintiffs, and D. G. Fowle and J. M. Clement for the defendants.

Wilfred Turner vs. J. B. Gaither, from Ireddell; argued on last Friday.

Bank of Statesville vs. Town of Statesville, from Ireddell; argued by E. F. Armfield (by brief) and Reade, Busbee & Busbee for the plaintiff, and J. M. McCorkle, J. M. Clement and D. M. Farhies for the defendant.

Wilfred Turner vs. John F. Ford and wife, from Ireddell; argued by W. D. Turner (by brief) and J. M. Clement for the plaintiff, and Robbins & Long (by brief) for the defendant.

Jonathan Walker vs. Wm. E. Gurley, from McDowell; argued by P. J. Sinclair (by brief) and W. H. Malone for the defendant; no counsel for the plaintiff.

Court adjourned until 10 o'clock this (Tuesday) morning, when the call of causes for the Eighth District will be continued.

For decisions see fourth page.

STANLEY ITEMS.—N. C., July 30, 1880.—We have fine rains. Wheat and oat crops above average. Corn and cotton looking splendid, and a goodly number of see farmers are thinking about going to the Legislature.

The merchants report trade reasonably good.

There is a general drought in matrimonial circles, and not a single death to record; the health of the country is excellent and the M. D.'s are idly waiting for

the sickly season, which we hope will not come.

We are perfectly satisfied with the State and National Democratic tickets, and the indications are that Stanley will give an increased majority in favor of a free press, free elections and civil Government.

The knowing ones about here are beginning to fear that the *Best Syndicate* is not going to turn out so *Graceful* after all, and that the State may again have to assume parental care over mud-cut. Well we care but little, they have no advantage of us, and are not going to get any. We have a man to keep the State money bag that is *Worth* something. They need not try to wool that old *Esculapius*; he loves his State, he loves his people, is completely honest, and is as smart as the *Best* and most *Graceful* *Syndicate* that ever bought a railroad.

The City Sewerage.

Mr. EDITOR: We would like to know if the whole town west of Fayetteville street is to be poisoned because the city fathers are either too careless or too timid to stop the nuisance caused by the ditch between Dawson and Salisbury streets, beginning back of Joseph's old stand and running by the gas house to Rocky Branch. Ladies actually have to hold their breath in passing along that part of the city, on account of the terrible smell. It is a settled fact that filth of that kind creates more typhoid fever than all other causes combined. If they will only collect the tax on half the dogs that make night hideous with their howling, we would be able to pay the city out of debt, have water works, and last but not least, stop such nuisances. If this nuisance is not stopped, it will cause more sickness than the city can afford to show to the public. We can certify that this particular nuisance has been reported to the health officer more than a dozen times in the last two seasons, and three times in the last month. Just such places as this are what keeps the health of the city in its present bad state. Gentlemen, please attend to this.

What North Carolinians are Doing.

GLEANINGS FROM STATE EXCHANGES.

A letter from Mr. W. T. Bannerman, of Burgaw, to Mr. H. G. Worth, President of the Duplin Canal Company, says the Wilmington *Review*, "contains some very encouraging information relative to the progress made of that important work. Mr. Bannerman says that he saw a boat go through from the blockade on Shelter Creek to North East river. Mr. B. went from the river on a flat about 7 feet wide, half through to Shelter Creek. The water was from four to five feet deep and as far as they went in the flat the canal was about fifteen wide. The sluicing process seems to be working well. There is a plenty of water now—in fact, the river is a little too high—but it is running off and as soon as it falls a few inches more the current through the canal will be much stronger and more effective. The ditch beyond the blockade in the direction of Meeks' seems to be caving and sluicing wider and deeper, which is just what was desired. Mr. Bannerman adds that Maj. Young seems much encouraged and that the works begin to look like a canal."

The Hickory Press says "there are about 240 acres of tobacco in cultivation within a radius of four miles of Hickory. This tobacco is growing nicely and is receiving the proper attention—and as a result of this will yield about 700 lbs. to the acre—making in all 168,000 lbs. This, at an average of only 10 cents per pound, will realize the handsome sum of \$16,800.00. Is this not sufficient evidence that tobacco is a crop worthy the attention of our farmers? This looks very much like the crop was getting out of the "fence corners." Five years ago there was not five acres in cultivation in the county."

The Lexington Exchange has good reports of the corn, cotton and fruit crops in Rowan, Cabarrus and Stanley. It also learns that the Columbia Cotton Mills in Randolph are being greatly enlarged, and that \$300,000 worth of new and improved machinery has been bought for them.

The Washington Press gives Beaufort county census returns, which foot up 17,870. In 1870, 13,011; increase 33 1/2 per cent., notwithstanding a part of its population went to make up the new county of Pamlico.

The Charlotte Observer reports 9 white and 18 colored marriages in Mecklenburg last month.

GENERAL NEWS ITEMS.—

The census shows the population of Kansas to be 1,009,000.

The population of New York is roughly estimated at 5,080,000; that of Ohio at 3,100,000; that of Missouri at 2,400,000; and that of New Hampshire at 347,311.

The Bank of Colorado, Denver, was attacked on Saturday on a check which it was unable to pay, the cashier, E. T. Lane; it is claimed; having absconded with the funds of the bank.

The wheat crop in Wisconsin is estimated at 15,000,000 bushels, which is below last year's yield. The yield in Iowa will be twenty per cent. higher than last year, and that of Minnesota is put at 44,000,000 bushels. Reports from Dakota say there never was such a crop there.

The population of Charleston, S. C., is 49,999, against 48,956 in 1870. The white population is 24,000 and the colored population 25,954, the latter showing a decrease of 213 compared with 1870. Between 1860 and 1870 the colored population of Charleston increased over 9,000.

Last week's weekly statement of the New York Associated Banks shows the following changes: Loans decreased \$3,261,500; specie decreased \$1,101,200; legal tenders increased \$280,100; deposits increased \$36,500; circulation increased \$14,100; reserve decreased \$750,225. The banks now hold \$15,832,375 in excess of legal requirements.

A fire broke out at two o'clock Sunday morning in the loft of the stable belonging to the Virginia White Sulphur Springs Company, located a quarter of a mile from the hotel and cottages, and spread so rapidly, the loft being full of hay, that the building was entirely destroyed and forty-four horses were burned to death in a short time. Twenty of the horses belonged to the company and twenty-four were owned by the guests, some of them being very valuable.

Mr. Skinner's Mistake.

It is not possible to permit it to pass unmentioned. When an incident of unique interest and far-reaching importance happens, a newspaper is compelled to take notice of it. After all, this is a world where we must constantly sacrifice ourselves for others, and why should the journalist shrink from any duty, however painful it may be?

The tragic event to which reference has just been made could not have occurred in those earlier days when metal had not yet been used for—in short, for one of the purposes which it now serves. It is the opinion of all archaeologists that the primitive—or we might say the earliest form of the true—that is to say, the sex at first used a simple string. Within historic times stripes of cloth of about an inch in width have been very commonly used. Prof. Huxley has in his possession a pair made of gray "listing," if that is the proper scientific term, which were found in a remote Yorkshire village, and which are believed to be not more than fifty years old. Mr. Darwin also has a single one made of a strip of black velvet, which he thinks belongs to a later stage of development than the pair in Prof. Huxley's possession, and which was found near Salisbury Plain, and may have been the property of the daughter of the famous shepherd thereof. The use of elastic webbing made of blue or red silk, woven on a central state of India rubber, is comparatively recent, and it is respected by authorities which demand our respect that this material is still very widely used. Of course, statistics on this subject can be collected, if at all, with the greatest difficulty, and were it not for the fact that quantities of this elastic webbing are annually manufactured and sold, we should be totally unable to prove that it is in active use. Evidence collected in connection with the upsetting of carriages is to the last degree trustworthy, since in such moments the witness is almost sure to be laboring under more or less excitement. Still, we may assume that within the last ten years the elastic material in question has been in very general use, and that the introduction of metallic spiral bands, whether silver-plated or plain, has not yet superseded it.

Mr. Skinner, of course, was totally ignorant of the whole subject. He was a Methodist divinity student, and in all probability he had never dreamed that such an article existed. Beyond any question, he was unaware that metal was used in its manufacture, and there is not the least reason for doubting his solemn assertion that, prior to the recent tragedy, he had never laid his eyes on a pair made of silver-plated spiral wire. Nearly all the people of Brewster Centre, where he has resided so many years, believe his assertion, and hold that he is entirely incapable of prevarication, or of the greater crime with which he has so unhappily been charged.

Mr. Skinner, as is notorious, was engaged to be married to the daughter of the leading cooper of Brewster Centre, and he made his first visit to New-York early last week. It was while walking down the Sixth-avenue that his eye fell upon a silver-plated pair exposed for sale in a shop window, and marked "only fifty cents." Mr. Skinner thought that this was an exceptional opportunity for buying a pair of beautiful bracelets for his betrothed at a very cheap rate. The fact that the shop did not appear to be a jeweler's shop, but was devoted apparently to the sale of ladies' clothing, gave him additional reason to imagine that the pair were much cheaper than they would have been at Tiffany's or elsewhere. He entered the shop, and finding another pair precisely similar lying on the counter, he took them up and asked the young woman behind the counter their price. Finding that they were only fifty cents, he examined them carefully, and asked if they were large enough to fit a rather stout young lady in Vermont. The shop-girl smiled and replied that they certainly were not too small for any New-England lady. Then Mr. Skinner asked if she would kindly put one of them on and let him see how it looked. To his utter amazement, the young woman called in a frightened tone upon "George," a large man in the rear of the store, and informed him that "this villain"—meaning the meek and innocent Skinner—"was insulting her." "George," who was evidently a practical man, first required Mr. Skinner to pay for the articles, and then, without giving him the slightest chance for explanation, kicked him into the street.

Mr. Skinner satisfied himself that both the young woman and "George" were either drunk or crazy, and as he wished to leave town that day, he forbore to appeal for justice to the police. Returning to Brewster Centre, he hastened to call on the daughter of the cooper. (Usually, he was not anxious to meet the cooper himself; for, though that respectable person was well-meaning in his way, he was quick-tempered and muscular, and so such was not a pleasant companion for the modest and pious divinity student. On this occasion he was, however, glad to have an opportunity to show the cooper his generosity, and he therefore mentioned that he had brought the daughter a present of a pair of bracelets from the city.

The young lady was delighted, and waited anxiously while Mr. Skinner unfolded the string and opened the box. "There! Sarah Ann!" he exclaimed, as he exhibited the articles. "Those are what I call handsome, and I want you to let me put them on with my own hands this very minute."

In his subsequent description Mr. Skinner asserts that he thought at the time that the world had come to an end. Miss Sarah Ann answered his innocent and affectionate petition with a loud shriek and a violent slap across his left cheek. Then the cooper joined in, and remarking that it "did seem to him that these persons had just gone clean crazy," took Mr. Skinner by the nape of the neck, and after shaking him with awful energy, "fired him out"—as young Master Robinson, who witnessed Mr. Skinner in the act of being shot out of the front door, afterward said. Bruised in body and dazed as to his mind, Mr. Skinner sought his boarding-house and his bed, where in the course of the day he learned that according to popular rumor he had grossly insulted Miss Sarah Ann, and that public opinion was divided as to whether he was drunk or insane. At any rate, his engagement was broken off, and his reputation was ruined. He has since disappeared from Brewster

Centre, and fears are entertained that he has committed suicide.

This sad event was unquestionably due to the introduction of steel spiral springs as a substitute for elastic webbing. Mr. Skinner honestly supposed he was buying a pair of bracelets, and his mistake was not an unusual one. He knew nothing of the real nature of the supposed bracelets, and had he been informed that they were—well, we should say, had he known they were, he would sooner have died than have touched them, and would have preferred the rack or the stocks to the commission of so horrible an offense as the open and public offering of them to Miss Sarah Ann. The thing is done now, and there is no help for it, but all good men will ask themselves whether the public exposure of such articles in shop windows is consistent with a high and true morality.

WAITS.—

Kansas school teacher: "Where does our grain go to?" "Into the hopper." "What hopper?" "Grasshopper," triumphantly shouted a scholar.

An Irishman of a mechanical turn took off his gas meter to repair it himself, and put it on again upside down. At the end of the quarter it was proved that the company owed him \$15.75, not a cent to him.

LIST OF LETTERS REMAINING UNCLAIMED IN RALEIGH POST-OFFICE, WAKE COUNTY, N. C., JULY 31, 1880.

LADIES' LIST.—

C. Clemmons, Miss Susan.
D. Davis, Miss Laura.
G. Gulling, Miss Eva.
H. Harris, Miss Josephine; Henry, Martha.
J. Jones, Miss Emily.
L. Lunceford, Miss Frances.
S. Sanders, Miss Betsey; Smith, Mrs. Maudie; Smith, Mrs. Sophronie; Smith, Miss Anna.

GENTLEMEN'S LIST.—

A. Allen, C. M.
B. Brooks, Rev. Archer, Brown, Drury; Brown, Isaac, Jr.
C. Connell, D.; Cooke, Mrs. Betsy; Crosby, H. C.; Currey, David; Crawford, A. A.
D. Daly, Alex.; Dusham, Thomas.
G. Gibson, Gideon E.
H. Hinrod, W. G.; Horton, John.
J. Jones, M. M.
K. Kirkham, E.
M. Manly, L.; Montgomery, W. I.
O. Olive, J. E.; Olive, Kaylor.
R. Richardson, London.
W. Wakeman, Wm.; White, Granderson; Wilson, John; Willis, William T.; Williams, Simon.

Persons calling for any of the above letters will please say, "Advertised."

W. W. HOLDEN, P. M.

DIED.—

PEARCE.—Very suddenly, on the 21st of July, at Brimley's Creek, Bradford county, Pennsylvania, of pulmonary hemorrhage, Mr. WALKER PEARCE, of Fayetteville, N. C.

Mr. Pearce, while at supper on the evening of the 20th inst., was taken with violent coughing, and during the paroxysm immediately expired. Mr. Pearce was a man of some education, eccentric in his notions, and in his private life was a humorist, predicting the end of the world in March, 1880. He was son of the Rev. John H. Pearce, a local Methodist minister of note in his day, and a Minister of the Gospel when Miller's doctrines were in vogue.

City Business Items.

Bargains in Thin Summer Clothing and Straw Hats at
K. H. ANDREWS & CO.,
Clothing and Hatters.

All Embroideries, Neckwear, Edgings, Swiss Edgings, Jacquard Edgings, Handkerchiefs, and all other notions at a bargain, for thirty days. A splendid line of heavy C. C. Caps at a bargain.

YERGAN, PETTY & CO.

aug-1-w

The Hub Punch.
The second invoice of this delicious beverage and tonic received this day. Bottled at the regular Boston and New York price, \$1.25 per bottle. Case of one dozen, \$13.00.

E. J. HARDIN.

Jones & Powell, 47 Fayetteville street, have just received a supply of oats, and have more on the road, which they offer low. They also offer extra of horses, wagons and harness, in exchange for lumber or greenbacks.

It can't be found a better cracker than the Lunch Milk Biscuit, 50¢ per lb. and always fresh.

E. J. HARDIN.

Greenadine! Greenadine!

RALEIGH, N. C.

TUESDAY, AUGUST 3, 1880.

SUPREME COURT.

DECISIONS FILED MONDAY, AUGUST 2ND.

SMITH, C. J.

State vs. Fisk; from New Hanover.

Affirmed.

An indictment against the mayor and

Aldermen of a City, alleging a neglect of

official duty, is fatally defective when it

does not specify the duty imposed, nor how

imposed, the neglect of which constitutes

the offense.

State vs. Merritt et al.; from Sampson.

Reversed.

It is not necessary that a warrant issued

by a mayor of a town for a violation of

an ordinance, should contain an averment

of authority in the Commissioners to make

the ordinance; for that authority is now

conferred by a general and public law of

which the Courts will take judicial notice.

Formerly when such authority was con-

ferred by a special act of incorporation, the

averment was necessary.

Nelson vs. Bland; from Pitt. Judgment

modified.

Where the guardian of a lunatic received

from the administrator of one of the sur-

ties on one of several bonds given by a for-

mer guardian, a certain sum in full of the

claim against him and covenanted not to

sue any representative of such surety upon

any of the said bonds, and to execute any

and all further instruments which might

be necessary to relieve such surety's estate

from liability to his co-sureties; but re-

served the right to sue the co-sureties;

Held: That the release to the estate of

such surety was an equitable release to the

co-sureties on the bonds of all in excess of

their respective ratable parts of the com-

mon debt which admits of no demand from

any upon such released surety.

Howard vs. O. D. S. Co. Edgewood.

Reversed.

When the consignee cannot be found or

declines to receive goods conveyed, the

carrier must still take care of them at

least for a reasonable time and commu-

nicate with the owner and upon failure so

to do is responsible in damages.

Watkins vs. Warren Overby. Granville.

Reversed.

At the commencement of his action the

plaintiff sued out a writ of attachment

against the estate of the defendant who

had removed from the State and was then

residing in the State of Virginia, and it

was levied in November, 1875, upon cer-

tain real estate in Granville county. At

Spring Term, 1876, defendant appeared

and put in his answer to the complaint, and

at Spring Term, 1880, the plaintiff

recovered judgment for his debt. After

the levy the defendant returned and be-

came and was again a resident of said

county at and before the rendition of the

judgment. The plaintiff moved the court

for a writ of *venditioni exponas* to sell

the attached land free from any claim of

homestead on the part of the defendant.

The court refused the motion and ordered

the clerk to issue the writ authorizing and

directing the sheriff to sell the excess only

after an allotment, from which judgment

the plaintiff appealed.

Held: The constitution and the laws

pursuant to it exempt from sale under

execution, or other final process for debt,

the homestead of the debtor not exceeding

in value the sum of \$1000, owned and

occupied by any resident of this State.

The right to the exemption is inseparable

from residence and, not existing at the time

of the levy, the lands of the debtor were

then liable to seizure and sale for the sat-

isfaction of the plaintiff's debt and equally

to the process of attachment by which they

were appropriated and secured to meet

his recovery. After citing numerous

cases from other States in exposition and

illustration of this decision the Chief Jus-

tice concludes as follows:

The constitutional exemption looks to

the protection and preservation of the land

upon which the debtor has made or may

make his home for himself and family

against the consequences of his own im-

providence, or the vicissitudes of business,

and that his home may be cherished and

improved in this policy thus favor in the

the lien of the judgment for that of the

State vs. Cooper, from Wake. Reversed.

A tals juror must be a freeholder with-

in the county where the court is held, al-

though the only qualifications for a juror

on the original panel are that he shall have

paid tax for the preceding year and be of

good moral character and of sufficient in-

telligence.

McCrave vs. Gilmer, administrator, from

Surry. Reversed.

Where the intestate of defendant wrote

to the plaintiff: "If you will send me the

cow I will save you eighteen dollars in set-

tlement of the case against your son, and

I think with some effort and trouble I will

do," and the plaintiff delivered the cow

into his possession but the intestate de-

fendant did not perform the services;

Held: The sale was absolute and not

conditional and an action of claim and

delivery of the cow cannot be maintained.

State vs. Rice, from Wake. Reversed.

Where there is no evidence or if the

evidence is so slight as not reasonably to

warrant the inference of the defendant's

guilt or furnish more than material for a

mere suspicion it is error to leave the issue

to be passed on by the jury and they

should have been directed to acquit.

DILLARD, J.

Isler, Ex'r, vs. Murphy, Ex'r, et al.,

from Wayne.

A judgment can only conclude and estop

from subsequent litigation matters which

were adjudged or admitted in the record

of a previous proceeding. And when this

court (see 73 N. C. 436) ordered the

record of a judgment to be amended by

striking out the entry of satisfaction writ-

ten opposite to it on the judgment docket,

but did not pass upon the alleged paymen-

t and the defendant did not admit that the

judgment was still unpaid, such receipt or

entry is admissible evidence to be laid be-

fore a jury under a plea of satisfaction and

does not estop the defendants.

Pope vs. Matthis, from Sampson. Re-

versed.

Where the defendant (alienee of plain-

tiffs co-tenant) in an action of ejectment,

ejected the plaintiff, and the plaintiff rented

the land from the defendant for two years

and then quit, and brought his petition for

partition within seven years from the end

of his term as lessee but more than seven

years after his ejection; Held, that the

plaintiff is barred of his action, the defend-

ant having been in adverse possession

under color of title for more than seven

years. The statute began to run when the

plaintiff was ejected and did not stop dur-

ing the existence of the lease.

State vs. Hughes, from Stokes. Affirmed.

When the defendant, acquitted of a

charge of larceny, gave notice to one Martin

of a motion to have him marked as pro-

secutor and adjudged to pay the costs, and

Martin appeared and resisted the motion

on the ground that the notice ought to

have been given by the Solicitor instead of

the defendant; held, that the notice by

the defendant was sufficient.

Bright vs. Lennon, from Columbus. Af-

firmed.

1. When costs are incurred and paid by

one surety or set of sureties on a guardian

bond, acting prudently and bona fide, they

are entitled to contribution from their co-

sureties.

2. When, under a reference, the amount

due a ward and paid by one surety or set

of sureties, is ascertained and fixed by

evidence other than the judgments previously

taken and excepted to by co-sureties, it is

immaterial whether these judgments were

or were not judgments in legal contempla-

tion, and the sureties who paid these judg-

ments are entitled to contribution from their

co-sureties.

3. The sureties to a guardian when sued

are not bound to plead the statute of lim-

itations but may or may not according to

their discretion; and where it is pleaded

and afterwards withdrawn and not insisted

upon, their right to contribution from their

co-sureties is not affected.

4. Where there are different guardian

bonds and different sets of sureties, a

surety to one bond who bears the burden

of the guardian's default, is not bound to

notify those liable to contribute, before he

is entitled to sue.

opened lower but closed firm, with moderate

trade at \$14.40; middles firm; long clear

7473; short do. 84; long and short nominal;

a small lot of long clear sold at high at 8 cents.

Land opened heavy and lower, but closed at

with the decline nearly recovered, at \$7.50

7.624. Whisky nominal. Freight steady.

BALTIMORE, August 2.—Cotton quiet and firm;

Southern 44s; Western white 40s; mixed

30s; 40s; Pennsylvania 40s. Hay quiet and

easier; prime to choice Pennsylvania and Mary-

land 18s. Provisions firm, with brisk jobbing

demand. New pork 15.00. Bulk meats—

loose shoulders 5; clear rib sides 7.50; packed

5.25. Bacon—shoulders 6; clear rib sides 9;

hams 11.25. Lard 8. Coffee quiet and firm;

Rio (cargoes) ordinary to choice 13.50. Sugar

strong. A soft 104. Whisky quiet at \$11.50

1.11. Freight steady.

WILMINGTON, N. C., August 2.—Spirits tur-

pentine firm at 25. Kerosene firm at \$1.05 for

strained and \$1.10 for good strained. Tar firm

at \$2.35. Crude turpentine firm at \$1.80 for

yellow dip, and \$2.25 for virgin. Corn un-

changed.

AUGUST 2.—Cotton—Middling, low middling,

good ordinary—Galveston, quiet, 10 1/2, 10 1/4,

receipts 250 bales; Baltimore, dull, 11 1/2,

11 1/4, 10 3/4, net receipts none; Boston, dull,

11 1/2, 11 1/4, net receipts 181 bales; Wil-

mington nominal, 10 1/2, 10 1/4, net receipts 17

bales; Philadelphia, dull, 11 1/2, 11 1/4, net receipts

12 bales; Savannah, nothing doing, 11, 10 3/4,

9 1/2, net receipts 60 bales; New Orleans, quiet

and steady, 11 1/2, 10 3/4, net receipts 30

bales; Mobile, nominal, 11, 10 3/4, net receipts 51

bales; Memphis, quiet, 11, net receipts 233

bales; Augusta, dull, 11 1/2, 10 3/4, net receipts

15 bales; Charleston, quiet, 11 1/2, 11, net

receipts 165 bales.

St. Louis, August 2.—Flour steady and un-

changed. Wheat No. 2 red and 90s

80s cash, 84.50; No. 3, do. 84.50; No. 4, do.

84.50; No. 4, do. 84.50. Corn lower at 84.50

cash; 34 1/2 in August, 31 1/2 a year hence. Oats

dull at 22 cash. Whisky steady at \$7.50. Pork

quiet at \$15.25. Lard quiet at \$7.25. Sugar

Bull market dull; no lot of shoulders \$4.50;

rib \$7.50; sides \$8.25; sides \$8.25; sides

shoulders \$7.75; ribs \$8.25; sides \$8.25;

CHICAGO, August 2.—Flour firm. Wheat

moderately active and higher, but irregular;

No. 2 choice cash, 84.50; No. 3, do. 84.50;

August 87 in September, No. 3, do. 84.50;

August 87 in September, No. 3, do. 84.50;

August 87 in September, No. 3, do. 84.50;

August 87 in September, No. 3, do. 84.50;

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